

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**ERIC A. MOORE,**  
Petitioner,

v.

**Case No. 05-C-0733**

**DANIEL BERTRAND, Warden,**  
**Green Bay Correctional Institution,**  
Respondent.

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**ORDER**

On February 7, 2006, I issued notice to petitioner that this case would be dismissed with prejudice pursuant to Civil L.R. 41.3 (E.D. Wis. 2001) and Fed. R. Civ. P. 41(b) unless petitioner filed a response to defendant's motion to dismiss by February 23, 2006. Civil L.R. 41.3 states that "[w]henever it appears to the Court that the plaintiff is not diligently prosecuting the action, the Court may enter an order of dismissal with or without prejudice. Any affected party can petition for reinstatement of the action within 20 days." To date petitioner has not filed a response to defendant's motion to dismiss. Accordingly, I will dismiss this case with prejudice.

**THEREFORE, IT IS ORDERED** that pursuant to Civil L.R. 41.3 and Fed. R. Civ. P. 41(b) this case is **DISMISSED WITH PREJUDICE**.

Dated at Milwaukee, Wisconsin, this 3 day of March, 2006.

/s \_\_\_\_\_  
LYNN ADELMAN  
District Judge